



Committee on Legislative Matters and the Northampton City Council

Members:

Councilor David A. Murphy, Chair

Councilor Ryan R. O'Donnell

Councilor Gina-Louise Sciarra

(Vacant)

MEETING MINUTES

Date: October 12, 2016

Time: 5:00 pm

Location: City Hall Hearing Room
210 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call:** Councilor Murphy called the meeting to order at 5:00 p.m. Present were: Councilors Murphy, Sciarra and O'Donnell. No other City Councilors were present.
2. **Public Comment:** None
3. **Approve Minutes of Sept. 12, 2016:** Councilor O'Donnell moved to approve the minutes of September 12, 2016; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 yes, 0 no, 1 vacant.
4. **Items referred to Committee on September 15, 2016 concerning Northampton Code of Ordinances Section 350 Attachment 4, 5, 6 & 7 regarding large scale ground mounted solar array systems for URB, URA, SR, and RR Districts (16.158, 16.159, 16.160, 16.161)**

Councilor O'Donnell moved to send the ordinance back to the full City Council as amended; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 yes, 0 no, 1 vacant.

Carolyn Misch, Sr. Land Planner explained that the modifications are really a clean up of languages in the ordinance. There are no changes being proposed to setbacks or provisions that were originally adopted in 2012. The changes were never codified on E-Code, the City's on-line ordinance manual. Since 2012 changes to the code have been made to entire sections of the code. With the new changes introduced, the code continued to be missing the 2012 updates. The problem came to light when someone asked about doing a ground mounted system. The Planning Board held a public hearing; there was no comment about the now proposed changes. The Planning Board considered whether to introduce any modifications, however, they decided not to make any changes.

Councilor Sciarra asked whether the setbacks were the same for all four districts. Ms. Misch stated that they were. She noted that these are big systems and are not accessory systems to residential or agriculture; they are a stand alone use system.

Councilor O'Donnell noted that elsewhere in the code, it states that "Accessory solar photovoltaic PV ground mounted on a parcel with any building or use provided that the PV is sized to generate no more than 100% or 8 kilowatts of the annual projected use of the non-PV building use; same setbacks as for attached accessory structure". He wondered what the difference was; Ms. Misch explained that it is size. That provision is for a situation where you are creating an accessory system that supports the principle use on the property. Those will be treated the same as garages or any other accessory structure that a residence, homeowner or a business might have on their property. What is being discussed in the ordinances are much bigger systems with one hundred or two hundred panels. They are mostly for generating power to sell back to the grid. The landfill system that was approved a few months ago is an example of this. This system would require the greater setback and would generally be centered in the property.

Councilor Murphy asked for the definition of "large scale" Ms. Misch explained that the information about what is considered large scale is contained in Section 2-Definitions. It is defined as: **Solar Photovoltaic PV, Large Scale, Ground Mounted** is a solar photovoltaic system and related accessory structures that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated electric power output of 250 kilowatts (kW) direct current (DC). Councilor Murphy noted that the dimensions of a unit do not determine if something is "large scale"; rather it is the minimum current output.

Councilor Murphy asked about the other districts that don't seem to be changing; Ms. Misch explained that the specifics were never left out of the code and therefore, don't need to be modified at this time. The changes were adopted in 2012 for all the districts. Once the ordinance passes, it is sent to General Code for the clerical step of updating the website. Only about ½ of the districts were updated. When City

Council adopted further changes to those districts, the updates didn't include the 2012 updates so now it appears as though it was intended that the 2012 modifications were to be left out.

Councilor O'Donnell moved to amend the four ordinances to condense them into one document with different sections. Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 yes, 0 no, 1 vacant.

Councilor O'Donnell notes that the four ordinances effectively do the same thing. He would also like to correct the title and some of the enacting language.

Ms. Misch indicated that on the surface the changes make sense. She cautions that combining all of the changes into one ordinance was likely the cause the first time the changes were sent to the Code Company. It may not happen the second time around and their work can be double checked this time.

Councilor Murphy asked if Ms. Misch would ever think about changing a section of the ordinance. Ms. Misch indicated that it won't make a difference if the sections are combined. Once the City Council adopts the changes, the changes will be made to the individual tables.

5. Items Referred to Committee on September 15, 2016 regarding changes to Northampton Code of Ordinances pertaining to Parking

Councilor O'Donnell moved to return ordinances 16.164, 16.165, and 16.166 back to the full City Council with a positive recommendation; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 yes, 0 no, 1 vacant.

Councilor O'Donnell noted that there was no public comment at the Transportation and Parking Commission meeting where 16.164, 16.165, & 16.166 were discussed. He also notes that there is no public comment today.

16.164 An Ordinance To amend Chapter 312-36 of the Code Book by modifying Parking Meter Fees in Class 1A & 1C and to add Class 1F

One correction that is being made is the cost of parking for Class 1C. The current cost in the ordinance book is \$0.15; it should be \$0.25. \$0.25 is truly the current cost of parking per hour in class 1C. The cost for Class 1A is increasing by \$0.25 to \$1.00. A new class is being added to

the ordinance (1F), however, there is currently not any parking spaces in which this new class would apply.

16.165 An Ordinance To amend Chapter 312-109 of the Code Book to modify time limits in Class 1A & 1B

This ordinance will look to change parking times to 2 hours for parking spaces on Bridge Street, Main Street, Crafts Avenue, and Merrick Lane (currently these all have one hour limits).

16.166 An Ordinance To amend Chapter 312-110 of the Code Book to modify time limit in Old South Street parking lot as described

Councilor O'Donnell moved to send the ordinances back to the full City Council with a positive recommendation; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 yes, 0 no, 1 vacant.

This ordinance will increase the time limit to two hours for parking within 21 spaces in the Maplewood Shops parking lot. This change is in keeping with the spirit of the recommended parking changes proposed by the Walker Study by increasing parking times. Another ordinance will also look to propose changing the fees (16.164).

Councilor O'Donnell notes that he has talked with some business owners and they agree with the proposed increase in parking times. The purpose of these changes is to regulate the parking supply; the question becomes is a quarter enough to make that a reality. Councilor Murphy asked if there was much discussion about getting employees to park in other locations rather than on Main Street as employers would like to maintain the spaces for customers. He notes that this was the purpose of long term parking opportunities with a parking pass. Councilor Sciarra notes that technically, people should not be "feeding the meter", but after the first of the year people will be able to pay using an app on their phone. Councilor O'Donnell wondered whether the app would let a person add time; Councilor Sciarra thinks that the system works using a person's license plate. After the two hours a person would have to move their vehicle.

6. 16.172 An Ordinance to To amend list of enforcing officers and penalties for noncriminal disposition from Chapter 40-5 of the Code Book - Referred to Committee on October 6, 2016

Councilor O'Donnell moved to send the ordinances back to the full City Council with a positive recommendation; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 yes, 0 no, 1 vacant.

Councilor O'Donnell notes that this ordinance allows the Police Department to enforce infractions such riding bicycles or skating on the sidewalk, throwing snowballs, etc. The code does allow for certain activities, such as using a stroller on the sidewalk. Police will be allowed to write a ticket if they observe the infraction instead of issuing a summons to court.

7. 16.175 An Ordinance to amend Schedule III: Limited-Time Parking from Chapter 312 of the Code Book - Referred to Committee on October 6, 2016

The Ordinance was also referred to the Transportation and Parking Commission. It was initiated by the owner of the new dog store on King Street. There are three parking spots in front of the new business. She would like two of those spots to be fifteen minutes spaces. They asked the TPC to make the change; no action was taken at that meeting. The Mayor then submitted an ordinance to make the change and the TPC will take it up at their next meeting.

Councilor O'Donnell noted that it would be nice for the DPW to provide a map showing the proposed changes. An average parking space is 18 feet long; the ordinance will be affecting three spaces total. Councilor Sciarra asked if the 1am start time was correct. This should be checked.

The committee postponed this ordinance until TPC has had a chance to review the ordinance. The 1am time will be checked; Councilor O'Donnell will ask the DPW to provide a map.

8. New Business: None

9. Adjourn: At 5:35 p.m. Councilor Sciarra moved to adjourn the meeting; Councilor O'Donnell seconded the motion, The motion was approved on a voice vote of 3 yes, 0 no, 1 vacant.

Prepared By:

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